

In Re Application of: MURDOCK, Kenneth
et al.

Application No. 10/550,502

Filed: March 22, 2004

For: JUCARA AND ACAI FRUIT-BASED
DIETARY SUPPLEMENTS

Attorney Docket No.: 67762-010151/US

Examiner: Unassigned

Art Unit: Unassigned

Confirmation No.: 9989

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being mailed via First Class
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P.O. Box 1450, Alexandria, VA 22313-1450.

on June 13, 2006

by Peggy Smiley
Peggy Smiley

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. 371**

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371
dated April 28, 2006, a copy of which is attached, Applicants respectfully enclose the
fully executed Combined Declaration and Power of Attorney for the above-referenced
application.

The Notification indicates that a previous payment of \$125.00 will be applied to
the additional fees due of \$65.00. Therefore, Applicants believe that no payment is
required at this time. However, should it be determined that payment is required, the
Commissioner is authorized to charge any additional deficiencies and/or credit any
overpayment to Deposit Account No. 50-2638. Please reference Attorney Docket

06/19/2006 MAILFAX 00000125 10550502

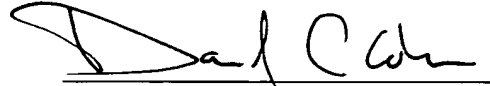
01 FC:2617 65.00 DA

06/19/2006 MAILFAX 00000125 10550502

02 FC:2631 60.00 DA

Number 67762-010151/US when charging any payments or credits in connection with this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David C. Cohen", written over a horizontal line.

David C. Cohen
Reg. # 43,554

Dated: June 13, 2006

GREENBERG TRAURIG, LLP
Customer No. 56188
1900 University Avenue, Fifth Floor
East Palo Alto, CA 94303
Phone: (650) 328-8500
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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/550,502	Kenneth A Murdock	67762.010151

INTERNATIONAL APPLICATION NO.

PCT/US04/08739

I.A. FILING DATE	PRIORITY DATE
03/22/2004	03/21/2003

32361
 GREENBERG TRAURIG, LLP
 MET LIFE BUILDING
 200 PARK AVENUE
 NEW YORK, NY 10166

CONFIRMATION NO. 9989

371 FORMALITIES LETTER



OC000000018645876

Date Mailed: 04/28/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/21/2005
- Copy of the International Search Report filed on 09/21/2005
- Copy of IPE Report filed on 09/21/2005
- Oath or Declaration filed on 09/21/2005
- Small Entity Statement filed on 09/21/2005
- Request for Immediate Examination filed on 09/21/2005
- U.S. Basic National Fees filed on 09/21/2005
- Priority Documents filed on 09/21/2005
- Specification filed on 09/21/2005
- Claims filed on 09/21/2005
- Abstracts filed on 09/21/2005
- Drawings filed on 09/21/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath

or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$-60** for a Small Entity:

- **\$65** Surcharge.

(A previous payment of **\$125** will be applied to the additional fees indicated above.)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/550,502	PCT/US04/08739	67762.010151

FORM PCT/DO/EO/905 (371 Formalities Notice)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**CHANGE OF
CORRESPONDENCE ADDRESS
Application**Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/550,502
Filing Date	March 22, 2004
First Named Inventor	MURDOCK, Kenneth et al.
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	67762-010151/US

Please change the Correspondence Address for the above-identified patent application to:

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Customer Number"

56188

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☐ Firm or
Individual Name

Address

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State

Zip

Country

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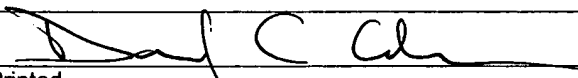
Email

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

- ☐ Applicant/Inventor
- ☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ Attorney or agent of record. Registration Number 43,554
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature



Typed or Printed

Name **David C. Cohen**Date **June 13, 2006**Telephone **(650) 328-8500**

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 67762-010151/US
INTERNATIONAL APPLICATION NO. PCT/US2004/008739		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/550,502
INTERNATIONAL FILING DATE March 22, 2004		PRIORITY DATE CLAIMED March 21, 2003
TITLE OF INVENTION JUCARA AND ACAI FRUIT-BASED DIETARY SUPPLEMENTS		
APPLICANT(S) FOR DO/EO/US MURDOCK, Kenneth et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;">d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p style="margin-left: 20px;">Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

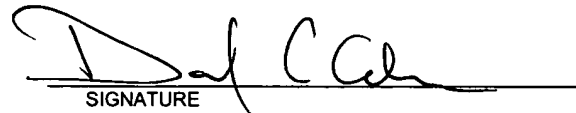
U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/550,502	INTERNATIONAL APPLICATION NO. PCT/US2004/008739	ATTORNEY'S DOCKET NUMBER 67762-010151/US
20. Other items or information: Return Receipt Postcard Letter - Response to Notification Copy of Notification of Missing Requirements		
The following fees have been submitted		CALCULATIONS PTO USE ONLY
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300		\$ 0
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))		\$
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0		\$
All other situations..... \$200		0
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))		\$
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0		\$
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100		\$
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400		\$
All other situations..... \$500		0
TOTAL OF 21, 22 and 23 =		0
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
- 100 =	/50 =	x \$250
		\$ 0
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$ -60
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	- 20 =	x \$ 50
		\$ 0
Independent claims	- 3 =	x \$200
		\$ 0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360
		\$ 0
TOTAL OF ABOVE CALCULATIONS =		\$ 0
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		0
SUBTOTAL =		\$ -60
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$ 0
TOTAL NATIONAL FEE =		\$ -60
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$ 0
TOTAL FEES ENCLOSED =		\$ -60
		Amount to be refunded: \$
		Amount to be charged \$

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- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2638 duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:


SIGNATURE

David C. Cohen
NAME

43,554
REGISTRATION NUMBER